UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS BROWNSVILLE DIVISION

ARMINDA AYALA on Behalf of Herself
and on Behalf of All Others Similarly
Situated,

Plaintiff,

Plaintiff,

CIVIL ACTION NO. 1:22-cv-0059
v.

ASSET PROTECTION & SECURITY
SERVICES, L.P.,

Defendant.

SECOND JOINT MOTION FOR EXTENSION OF DISCOVERY DEADLINE

Plaintiff Arminda Ayala, on behalf of herself and all others similarly situated and Defendant Asset Protection & Security Services, L.P. respectfully submits this motion to extend the deadlines in the current scheduling order. The Parties believe in good faith that they can complete all discovery (or resolve this case) during this extended period of time.

I. SUMMARY OF ARGUMENT

The Parties respectfully request a short continuance of the current deadlines in the scheduling order. At this point, the Parties have made substantial strides towards resolving this case but need a little more time. The Parties attended mediation on June 20 with Dennis Clifford. The mediation made a great deal of progress but was recessed and is scheduled to resume on July 24, 2024. The Parties are hopeful that this case will resolve at the July 24 continuation of the mediation.

Nevertheless, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, the Parties respectfully request an extension of time to attend mediation and complete all remaining discovery. *See* Fed. R. Civ P. 6(b). So far, the Parties have worked with each other in good faith to complete

discovery but additional work is needed as the parties have used the time since the last extension to prepare for and attend the two mediations.

In addition to participating in mediation, Defendant is in the process of supplementing its discovery responses to produce even further information to the Plaintiffs. Expert discovery is also needed. Further, the Parties will require more time to prepare their pretrial order and exhibit list before trial.

Therefore, the Parties respectfully ask that the Court enter the following deadlines:

Expert designation deadline for the Plaintiffs August 26, 2024

Expert designation deadline for the Defendant September 25, 2024

Deadline to complete discovery November 30, 2024

Deadline to file Summary Judgment December 13, 2024

Deadline to file pretrial order, witness list, exhibit list, and all motion in limine, other pretrial motions

II. ARGUMENT AND AUTHORITIES

December 20, 2024

Trial courts have broad discretion in determining whether to grant a request to modify a scheduling order. *Villanueva v. Wal-Mart Real Estate Bus. Tr.*, No. 5:21-CV-35, 2022 U.S. Dist. LEXIS 242751, at *6 (S.D. Tex. 2022) (citing *Geiserman v. MacDonald*, 893 F.2d 787, 790 (5th Cir. 1990)). Good cause exists if a party shows "that the deadlines cannot reasonably be met despite the diligence of the party needing the extension." *Devillier v. Texas*, No. 3:20-cv-00223, 2023 U.S. Dist. LEXIS 56084, at *6 (S.D. Tex. 2023) (quoting *Marathon Fin. Ins., Inc., RRG v. Ford Motor Co.*, 591 F.3d 458, 470 (5th Cir. 2009)).

Good cause exists because the Parties have been diligent in pursuing discovery but need additional time. Thus far, the Parties have served and responded to initial discovery requests, produced their initial disclosures, Plaintiffs have provided their damage calculations, the topics for

Case 1:22-cv-00059

Page 3 of 4

the 30(b)(6) deposition, and other information. The Parties have engaged in mediation but scheduled its continuation on July 24. Given the additional work that is needed, the Parties simply request more time.

Finally, this motion is not sought for delay purposes only but so that justice may be done.

CONCLUSION

For these reasons, the Parties respectfully request that the Court grant this Motion and enter the following deadlines:

Expert designation deadline for the Plaintiffs August 26, 202

Expert designation deadline for the Defendant September 25, 2024

Deadline to complete discovery November 30, 2024

Deadline to file Summary Judgment December 13, 2024

Deadline to file pretrial order, witness list, December 20, 2024 exhibit list, and all motion in limine,

other pretrial motions

Respectfully submitted,

By: /s/ Don J. Foty By: /s/ Laura Flores Macom

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ATTORNEY FOR PLAINTIFFS ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I certify that on July 12, 2024, a true and correct copy of the foregoing instrument was filed through the Court's electronic case filing which will serve a copy of this document electronically on all counsel of record.

/s/ Laura Flores Macom
Laura Flores Macom